

REMARKS

Claims 1-9 are pending in this application, with new dependent Claim 9 being added by this amendment. The Examiner rejected Claims 1-8 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2004/0167968 A1 (Wilson) in view U.S. Patent Publication No. 2004/0177120 A1 (Kirsch) and further in view of U.S. Patent No. 6,819,932 (Allison).

The present invention, as defined by the claims, provides a method for blocking SMS (Short Message Service) messages so that they are not received by a user of a mobile terminal.

As taught by the present application, as recited by the claims, before any filtering processes are performed on a received message, it is determined whether a user has selected a spam blocking option (i.e., whether a spam blocking option is set). When it is determined that the spam blocking option is set, a spam-blocking information database is accessed and the phone number of the received message is checked to determine whether it corresponds with a phone number in the spam blocking information database. In other words, the determination step is performed prior to performing a spam blocking operation. Accordingly, if a user desires to receive e-mail regardless of type, the user can deselect the spam blocking option and receive SMS messages regardless of type (e.g., spam, etc.). As will be discussed below, this step is neither taught nor suggested by

Wilson, Kirsch, or Allison, or the combination thereof.

Regarding the rejection of independent Claim 1 under 35 U.S.C. §103(a), the Examiner states that the combination of Wilson, Kirsch, and Allison teaches each and every limitation of Claim 1. Upon reviewing the cited references, it is respectfully submitted that the Examiner is incorrect. More specifically, the Examiner states that Wilson does not teach or suggest SMS spam messages and the step of determining if a spam blocking option is set, and relies on the combination of Kirsch and Allison to cure this deficiency.

Claim 1 of the present application is drawn to a device which determines if a spam blocking option is set when an SMS message to be transmitted to a subscriber of a mobile terminal is received. In other words, these steps are performed before the SMS message is delivered to the subscriber of the mobile terminal. This can save valuable wireless resources and a user's time.

With reference to FIG. 2 and the corresponding text, Wilson teaches processing a message to detect whether it is spam. Additionally, Wilson teaches checking addresses against a white list of well known domains (e.g., see, step 510 in FIG. 5 and the corresponding text) and a black list (e.g., see, Paragraph 24). As such, a spam scanning operation is performed when a message is received (e.g., see, FIG. 2). Thus, as taught by Wilson, if, as a result of this spam scanning operation a message is determined to be

spam, appropriate action is be taken (e.g., see, Step 210, FIG. 2). Therefore, and as acknowledged by the Examiner, Wilson does not teach or suggest the step of determining if a spam blocking option is set (e.g., see, Office Action, Page 3), as recited in Claim 1.

Moreover, as Wilson does not teach the step of determining if a spam blocking option is set, Wilson cannot teach of suggest the step of accessing a spam-blocking information database, and searching for the SMS message phone number to determine if the SMS message phone number is registered in the spam-blocking information database, if the spam-blocking option is set. In other words, by not teaching the determination step, Wilson cannot teach or suggest performing other steps (i.e., the above-mentioned accessing step), based upon the determination.

Similar to Wilson, Kirsch teaches “a filtering process begins when an e-mail is received,” and teaches “initially” filtering the e-mail using a white list and a black list (e.g., see, Kirsch, Paragraph 25 and FIG. 2). Thereafter, and as stated in our previous response, Kirsch teaches sending the message to a recipient if the message is on the white list and processing the message according to a user’s instructions, if the message is on the black list. In other words, Kirsch teaches performing an initial filtering step that checks the message against predetermined parameters. As shown in FIG. 2, Kirsch does not teach or suggest determining if a spam blocking option is set and performing other operations (i.e., the above-mentioned step of accessing a spam-blocking information database, and searching for the SMS message phone number to determine if the SMS

message phone number is registered in the spam-blocking information database, if the spam-blocking option is set), based upon this determination.

Thus, by using the present invention, as defined in the claims, a user can select or deselect a spam blocking option and thereafter need not worry whether he will receive spam SMS messages or not receive SMS messages regardless of type (e.g., messages which are incorrectly determined to be spam).

Accordingly, as neither Wilson nor Kirsch teach each and every limitation of Claim 1, and Allison does not cure the combined deficiencies of both Wilson and Kirsch, it is respectfully requested that the rejection of Claim 1 under 35 U.S.C. § 103(a) of Claim 1 be withdrawn.

Regarding the rejection of independent Claims 2-3 under 35 U.S.C. § 103(a), Claims 2-3 each contain similar recitations as those which are contained in Claim 1. Accordingly, it is respectfully submitted that Claims 2-3 are patentably distinct for at least the same reasons set forth above with respect to the rejection of Claim 1. Withdrawal of the rejection of Claims 2-3 under 35 U.S.C. §103(a) is respectfully requested.

New dependent Claim 9 has been added. As stated above, Wilson, similar to Kirsch teaches “a filtering process begins when an e-mail is received,” and teaches “initially” filtering the e-mail using a white list and a black list (e.g., see, Kirsch,

Paragraph 25 and FIG. 2). In contrast, Claim 9 includes the recitation of wherein the step of determining whether a spam blocking option is set occurs before an initial access to the spam-blocking information database is made, which is neither taught nor suggested by Wilson, Kirsch, or Allison, or the combination thereof. Accordingly, Claim 9 is believed to be allowable for at least the above-stated reasons.

Independent Claims 1-3 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 4-9, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 4-9 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-9, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the

Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul V. Farrell", written over the typed name.

Paul V. Farrell

Reg. No. 33,494

Attorney for Applicant

DILWORTH & BARRESE, LLP

333 Earle Ovington Blvd.

Uniondale, New York 11553

Tel: (516) 228-8484

Fax: (516) 228-8516

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